1212

MS PETITION
PATENT
2185-0570P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

ARAI, Noriyuki et al.

Conf.:

4527

Appl. No.:

09/939,644

Group:

1712

Filed:

August 28, 2001

Examiner: P.A. SHORT

For:

THERMOPLASTIC RESIN COMPOSITION AND

MOLDING THEREOF

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

September 29, 2003

Sir:

In response to the Notice of Abandonment dated July 31, 2003, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 31, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 09/939,644 (which corresponds to Attorney Docket No. 2185-0570P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of December 20, 2002 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of December 20, 2002 which corresponds to the current application, Attorney Docket No. 2185-0570P.

Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of December 20, 2002. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 2185-0570P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets and the manual docket book for the due date of December 20, 2002 and did not locate an entry that corresponds to Appl. No. 09/939,644 to inventors Noriyuki ARAI; Hiroshi HARADA and Kazunori Akiyoshi.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth

Appl. No. 09/939,644

in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

y Caymond C Charles

Raymond C. Stewart, #21,066

P.O. Box 747 Falls Church

RCS/KJR/rem

Attachment(s)

2185-0570P

Falls Church, VA 22040-0747

(703) 205-8000

(Rev. 04/30/03)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

CONFIRMATION NO. ATTORNEY DOCKET NO. FIRST NAMED INVENTOR FILING DATE APPLICATION NO. 4527 2185-0570P 09/939,644 08/28/2001 Noriyuki Arai 07/31/2003 7590 BIRCH STEWART KOLASCH & BIRCH **EXAMINER** PO BOX 747 SHORT, PATRICIA A 병 FALLS CHURCH, VA 22040-0747 PAPER NUMBER ART UNIT 1712

**DATE MAILED: 07/31/2003** 

Please find below and/or attached an Office communication concerning this application or proceeding.



APPLICATION NUMBER

## UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trad mark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

FIRST NAMED APPLICANT ATTORNEY DOCKET NO.

> **EXAMINER** PAPER NUMBER **ART UNIT**

DATE MAILED:

## NOTICE OF ABANDONMENT

This	арр	olication is abandoned in view of:
Ž,	App	olicant's failure to timely file a proper reply to the Office letter mailed on
		A reply (with a Certificate of Mailing or Transmission of
	X	A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  (A proper reply under 37 CRF 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  No reply has been received.
	App	Dicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
		The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission
		dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.  The submitted fee of \$ is insufficient. A balance of \$ is due.
		The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$
	Apr.	The issue fee and publication fee, if applicable, has not been received.  blicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
		Proposed new formal drawings were received on (with a Certificate of Mailing or Transmission dated ), which is after the expiration of the period for reply.
		The proposed new formal drawings filed on are not acceptable and the period for reply has expired. No proposed new formal drawings have been received.
		letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire rest, or all of the applicants.
		e letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under CFR 1.34(a)) upon the filing of a continuing application.
	The	e decision by the Board of Patent Appeals and Interferences rendered on and because the period seeking court review of the decisi n has expired and there are no allowed claims.
		e reason(s) below:  PATRICIA A SHORT PRIMARY EXAMINER

\*U.S. GPO: 2000-472-999/43202





ATTY.	/ KJR	
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PATENT NO	1
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## BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Action Attorney(Attorney2): FEE MAI	MAINTENANCE FEE	•			
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Action Attorney(Attorney2): NTB NAN	NANCY T. BERG				
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TO BE FILED	0698-0136 /	Unfiled			JMS
TM/TBF	Trademark: TZU CHI Remarks: RETURN APPLICATION TO CLIENT	CLIENT			JMS
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Action Attorney(Attorney2): FRH F	FREDERICK R. HANDREN				
20-Dec-2002 CALL UP	2830-0118/	Unfiled			JMS
Reminder CU	United States of America Title:				FRH
Action Attorney(Attorney2): JAK J	JOSEPH A. KOLASCH				
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20-Dec-2002 Reminder	PERFECT FHUNG PF	3811-0115/ Title:	Pending		17-Oct-2002	JAK
Action Attorney(20-Dec-2002) Final	Attorney2): JES JAYNE RESPONSE RS	E. SAYDAH  O46520826 /  United States of America  Title  Remarks: S	PENDING		22-Mar-2001	JAK JES
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Action Attorney( 20-Dec-2002 Final	y(Attorney2): JMS JAMES M. SLATTERY  SPECIAL LETTER  SPL1  Titul	SLATTERY 0020-4819 / Title	PENDING		10-May-2001	JMS
<b>20-Dec-2002</b> Due Date	Information Disclosure Stmnt	0020-5009 / United S	Pending		20-Sep-2002	JMS
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20- <b>Dec-2002</b> Due Date	Information Disclosure Stmnty    Title:  Remarks:	3868-0129 / United States of America Title:	Pending		20-Sep-2002	JMS
Action Attorney(Attorney2): 20-Dec-2002 Information Due Date	JTE n Disclosure	JAMES T. ELLER, JR.  Stmnt 0465-0961 /  United States of America	Pending		20-Sep-2002	JTE JTE
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Action Attorney(Attorney2): JWH JAMES W. HELLWEGE

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<b>20-Dec-2002</b> Due Date	Information Disclosure Stmnt	0465-0893 / United States of America Title: N	Pending		20-Sep-2002	JAK REG
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Action Attorney(Attorney2): 20-Dec-2002 IDS - 2 WE Final IDS-2WK	/(Attorney2): SLL SCOTT L. LOWE IDS - 2 WEEK IDS-2WK Title:	0505-0590 / United States of America	PENDING		23-Dec-1999	SLL
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Action Attorney(20-Dec-2002 Due Date	ttorney(Attorney2): TBS THOMAS BEN SCHROEDER  NOA X  NOA X  United States	CHROEDER 0014-0201 / United States of America	PENDING		20-Oct-2000	JAK
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Docket Number/SubCase Status  Country  DREW D. MEIKLE  Matter Title  Remarks: IR. PARTY ZAMBRYSKI AND SR. PARTY FRALEY TO FILE THEIR A  RYSTAL Q. CAMACHO  2658-0295 / United States of America  Remarks: PROBLE  Remarks: PROBLE  RALD M. MARRPHY, JR.  United States of America  United States of America  Title  United States of America  Title  United States of America  Title  United States of America  Asst-0101 / United States of America  United States of America  Asst-0101 / United States of America  United States of America  Asst-0101 / United States of America  Matter Title:  Matter Title:  Remarks: FILE RULE 6533Will PRELIMINARY MOTIONS  Remarks: FILE RULE 6533Will PRELIMINARY MOTIONS	Docket Number/SubCase Status  Country  ADM ANDREW D. MEIKLE  E O147-0103 / PENDING  ED 268-0255 / United States of America  Remarks: PRORITY  Remarks: PRORITY  ETH EUGENE T. PEREZ  ETP EUGENE T. PEREZ  COM GERALD M. MIRRHY. JR.  ED 328-0101 / United States of America  COM GERALD M. MIRRHY. JR.  ED 0432-0101 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-0101-01128 / United States of America  United States of America  COM GERALD M. MIRRHY. JR.  ED 040-01128 / United States of America  COM GERALD M. MIRRHY. JR.  ED 040-01128 / United States of America  COM GERALD M. MIRRHY. JR.  COM GERA		App Date Iss Date			05-Oct-20	23-Aug-2		
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<b>20-Dec-2002</b> Due Date	RS6	4352-0101 / United States of America Matter Title Remarks.	PENDING			GMM KJR RCS
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<b>20-Dec-2002</b> Due Date	RSS  Matter TMe.  RemarkS	4352-0101 / United States of America	PENDING A		GMM KJR RCS
Action Attorney(Attorney2): 20-Dec-2002 IDS - 2 WE Final IDS-2WK	Attorney2): JWB JOHN W. BAILEY DS-2 WEEK DS-2WK Title	1422-0496 / United States of America	PENDING	10-Oct-2001	JWB
<b>20-Dec-2002</b> Final	FINAL XXX FINI FINI Tille:	2185-0539 / United States of America	PENDING .	29-May-2001	I JWB JWB
20-Dec-2002 Final	NOA XXX NOA True	2185-0539 / PENDING United States of America Title: METHOD FOR FABRICATING EPITAXIAL SUBSTRATE	PENDING SPITAXIAL SUBSTRATE	29-May-2001	1 JWB JWB
<b>20-Dec-2002</b> Final	IDS 218 IDS1  Title: Remarks: SR	2185-0588 / United 9: Franctica : SR		31-Oct-2001	JWB
20-Dec-2002 Final [2] 24   53	DS1 RECHOCKET FOR Tide:  MWMMM Tide: Remarks:	4367-0101 / United States of America	PENDING	07-Mar-2002	JWB

Action Attorney(Attorney2): KJR KECIA J REYNOLDS

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20-Dec-2002 Final	RESPONSE	Matter Title: Rematica ST.	PENDING		KJR GMM RCS
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<b>20-Dec-2002</b> Due Date	RS6	4352-0101 / United States of America Matter Title: Remarks: I	PENDING		KJR GMM RCS
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20-Dec-2002 Final	RESPONSE RS1	4352-0101 / United States	4352-0101 / United States of America	PENDING			KJR
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Action Attorney(Attorney2):	y(Attorney2): LRS	LEONARD R. SVENSSON					
20-Dec-2002 Final	RESPONSE RS	0147-0103 / History States of America	of America	PENDING			LRS
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Action Attorney(Attorney2): MAA MARYANNE ARMSTRONG

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Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Attys
20-Dec-2002 Final	Sal	1422-0442 / United States of America  Title:	PENDING		18-Oct-2000	
Action Attorney(Attorney2): 20-Dec-2002 TO BE FIL Final TBFA	NEW ED	NEW CASES  0020-5087 / United States of America  Title	Unfiled			JAK JAK
<b>20-Dec-2002</b> Final	TO BE FILED TBFA	0020-5093 / United States of America Title: Remarks: C	Unfiled			17.8 17.8
<b>20-Dec-2002</b> Final	TO BE FILED TBFA	0020-5094 / United States of America Title: OUTCONTIGUED Remarks: CHAPTER II	Unfiled			JWB
20-Dec-2002 Final	TO BE FILED TBFA	United States of America Title: CRAPTER II	Dufiled			JAK
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20-Dec-2002 Final	TO BE FILED TBFA	United States of America Title: America Remarks: PRIORITY	Unfiled	•		JWB
20-Dec-2002 Final	TO BE FILED TBFA	0505-1155 / United States of America Title	Unfiled			JMS PCL
20-Dec-2002 Final	TO BE FILED TBFA	6505-1158 / Title: Remarks: AC	Unfiled H			JMS
<b>20-Dec-2002</b> Final	TO BE FILED TBFA	0\$33-0196 / United States of America Titl Remarks: CHAPTER II	Unfiled			GMM
20-Dec-2002 Final	TO BE FILED TBFA	0993-0198 / United States of America Tiv	Unfiled			GMM
<b>20-Dec-2002</b> Final	TO BE FILED TBFA	1264-0149 / United States of America Title:	Unfiled			JAK
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20-Dec-2002	TO BE FILED	1928-0142 /	Unfiled		X
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20-Dec-2002	TO BE FILED	1928-0143 /	Unfiled		K
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20-Dec-2002	TO BE FILED	2019-0174 /	Unfiled		KW
Final	TBFA	United States of America  Title, 10			K
20-Dec-2002	TO BE FILED	2786-0233 /	Unfiled		55
Final	TBFA	United States of America Title: Control of America Remarks: CHAPTER II			90
20-Dec-2002	TO BE FILED	7815-02097	Tintslad		{
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20-Dec-2002	TO BE FILED	4459-0114 /				KWA
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20-Dec-2002	TO BE FILED	4557-0101 /	Unfiled			IMS
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		Title: Temarks: Dy	1			
Action Attorney(Attorney2):	RCS	RAYMOND C. STEWART				
20-Dec-2002	RESPONSE	0147-0103 /	PENDING			S S
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20-Dec-2002 Final		4352-0101 / United States of America Matter Title Remarks	PENDING			RCS GMM KJR
Action Attorne 20-Dec-2002 Reminder	Action Attorney(Attorney2): RG RICHARD 20-Dec-2002 CALL UP Reminder CU	RICHARD J. GALLAGHER  0171-0698 /  United States of America  Title	Granted		16-Aug-2000 29-Oct-2002	GMM RG
<b>20-Dec-2002</b> Due Date	Information Disclosure Stmnt  AMP 17-18-02	United States of America	Pending D.		20-Sep-2002	JWB
20-Dec-2002 Final	ISSUE FEE  IF DOUSING 12, 19-05	4005-0219 / United States of America	PENDING		12-Jul-2001	KM

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on Attorney(Attorney2): CJB  cc-2002 CALL UP  nder  cc-2002 CALL UP  Sec-2002 SPECIAL LETTER  SPL 1  SPL 1  On Attorney(Attorney2): DRA	CHAD J. BILLINGS  Title:  Remarks: C  CATHERINE M. VC	Suited States of America DISINET Joited States of America Self-0368 / Joited States of America ON Hearing States of America A72-0248 / Joited States of America	Pending T FOR REFUND FILED 11-20 PER I Published	Pat Number DM 11-20	1ss Date 01-Nov-2002 25-Oct-2001	MKA CJB CJB CMV CMV CMV CMV CMV
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on Attorney(Attorney2): CMV SPECIAL LETTER SPL1  On Attorney(Attorney2): DRA	Title:  Remarks: C  CATHERINE M. VC  1  2  L  Title:	CHECK STATUS OF REQUES  DISINET  1560-0368 /  Inited States of America  ON  Juited States of America	T FOR REFUND FILED 11-20 PER L Published	DM 11-20	25-Oct-2001	MKA CMV
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Action Attorney(Attorney2): EAG I	ELLIOT A. GOLDBERG	ERG				
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orney(Attorney2): FPB	F. PRINCE BUTLER	~				
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20-Dec-2002	Filing Reminder File Application	4358-0103 / United States of America	Pending		20-Jun-2002	MKM
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20-Dec-2002 Due Date	Foreign Filing Reminder, Foreign Filing	4358-0103 / United States of America	Pending Lockheed Martin Missiles and FireControl - Dallas		20-Jun-2002	MKM
		Title.		4.		
Action Attorney(Attorney2):	ey(Attorney2): JPK JOHN P. KEADY	1		•		
20-Dec-2002	FIRST AMENDMENT	3672-0109 /	PENDING		20-Dec-2000	MKM JPK
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Action Attorney(Attorney2):	ey(Attorney2): MEO MARK E. OLDS	CDS				
20-Dec-2002	".	1190-0431 /	PENDING		21-Dec-1999	MKM
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20-Dec-2002	TO BE FILED	1350-0322 /	PENDING		24-Oct-1997	MKM
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Action Attorne	Action Attorney(Attorney2): MKM MICHAEL K. MUTTER	K. MUTTER				
20-Dec-2002	Information Disclosure Stmnt	0757-0270 /	Pending		20-Sep-2002	MKM
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Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Attvs
20-Dec-2002 Reminder	CALL UP CU	2203-0105 / United States of America Remarks.	Unfiled			MKM
20-Dec-2002 Reminder	PERFECT FILING PF	3782-0254 / United States of America	Pending Anoto AB		20-Nov-2002	MKM
<b>20-Dec-2002</b> Due Date	TO BE FILED	4358-0108 / United States of America  Title: Remarks: DUE DATE PER DM 10-16,11-19	Unfiled			MKM
<b>20-Dec-2002</b> Due Date	TO BE FILED TBF	4358-0109 / United States of America  Title  Remarks: DUE DATE PER DM 10-16,11-19	Unfiled 19			MKM MKM
20-Dec-2002 Due Date	TO BE FILED TBF	4358-0110 / United States of America  Title  Remarks: DUE DATE PER DM 10-16,11-19	Unfiled 19			MKM
<b>20-Dec-2002</b> Due Date	TO BE FILED TBF	4358-0111 / United States of America  Title  Remarks: DUE DATE PER DM 10-16,11-19	Unfiled 19			MKM

Action Attorney(Attorney2): MRG MARTIN R. GEISSLER

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Attys
20-Dec-2002 Final	SPECIAL LETTER SPL1	0905-0216 / United States of America	PENDING		31-Mar-1999	DRA
<b>20-Dec-2002</b> Final	ISSUE FEE  IF  Of Jun5	United States of America  Title: Remarks: PD Ack. By PTO 11-25-02 10-16	PENDING		10-Oct-2000	MKM
Action Attorney(Attorney2): 20-Dec-2002 FIRST AME Due Date	RWD	ROBERT W. DOWNS  0717-0463 / United States of America	PENDING		22-Jun-2001	TCB
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